

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

CAROL WILSON FINE ARTS, INC., an

Civil No. 3:14-CV-00587-AA

Oregon corporation,

Plaintiff,

v.

ZIFEN QIAN, an

individual,

Defendant.

**CLARIFICATION FOR DEFENDANT'S CLAIM OF MOTION OF DEFENDANT ZIFEN QIAN'S  
SUMMARY JUDGMENT**

This is an additional statement as Clarification for Defendant's Claim of Motion of Defendant Zifen Qian's Summary Judgment.

Zifen Qian as a lawful and natural author of every his painting has done during the past 21 years holds copyrights of his own paintings including those have been selected by Carol Wilson Fine Arts, Inc. (CWFA) to be published on greeting cards and related paper products. Those painting creations were not part of Zifen Qian's Employment Agreement with CWFA. Those were Zifen Qian's academic researches and practices. Zifen Qian never sign any agreement relates to his paintings with CWFA. All Zifen Qian's paintings have been published on CWFA greeting cards have been printed "Watercolor by Zifen Qian" as author name on the back of each card and his signatures have been published along with his paintings on CWFA publications as well. Therefore Zifen Qian's paintings are nothing relating to "work made for hire" definition, otherwise the author (painter) would not be Zifen Qian which doesn't make any sense. No one can change the clear fact that Zifen Qian is the author of all those paintings that is logically and legally the copyrights owner. Those paintings represent Zifen Qian's style, philosophy, spirit, emotion and personality with independent academic value beyond CWFA publication need. Those paintings are important part of Zifen Qian Paintings and will be remaining in the art history and people will always recognize the fact by generations to come.

Defendant's Claim as follows:

1, Carol Wilson Fine Arts, Inc. must withdraw its unlawful registrations of copyrights at US Copyright Office of all Zifen Qian's original paintings.

2, An award of \$1,000,000 to Zifen Qian of damages from all Carol Wilson Fine Arts, Inc.'s unlawful registrations of copyrights in US Copyright Office of Zifen Qian's original paintings without any agreement with Zifen Qian regarding the matter, which damaged Zifen Qian's reputation, dignity and constitutional rights as well as the lawsuit negatively affected Zifen Qian's important professional activities and career development.

3, Carol Wilson Fine Arts, Inc. should pay unpaid compensation from the sales of Zifen Qian's paintings published on the company's greeting cards and other paper publications during the 21 years. Based on roughly estimated Carol Wilson Fine Arts, Inc. had average around \$10 million revenue from selling the publishing of Zifen Qian's paintings each year during the past 21 years (detail numbers should be based on company's sales records to correct this estimation). A reasonable royalty should be around 7% to 15% of revenue in this industry depend on deal between the parties, which should be around \$14,700,000 to \$31,500,000. Since there is no any written agreement between Zifen Qian's paintings with Carol Wilson Fine Arts, Inc. and it is not an employment related claim, the minimal reasonable compensation shall no less than \$5,000,000.

4, An award of Zifen Qian's any legal costs during this litigation pursuant to 17 USC 505.

5, A declaration that Zifen Qian as lawful and nature author owns copyrights of all Zifen Qian's paintings of being published by Carol Wilson Fine Arts, Inc. and all the same style unpublished paintings during the past 21 years. CWFA's further publishing or any usage of Zifen Qian's paintings shall have Zifen Qian's permission with written contract for any deal.

By:

Zifen Qian



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 26th, 2014, a copy of Clarification for Defendant's Claim of Motion of Defendant Zifen Qian's Summary Judgment was served by US Mail and email to:

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